

EXHIBIT 42

Redacted Excerpts from Deposition of Lorenzo Fertitta

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Cung Le, Nathan Quarry, Jon)
Fitch, on behalf of)
themselves and all others)
similarly situated,)
)
Plaintiffs,)
)
v.) Lead Case No.
) 2:15-cv-01045-RFB- (PAL)
Zuffa, LLC, d/b/a Ultimate)
Fighting Championship and)
UFC,)
)
Defendant.)
_____)

C O N F I D E N T I A L

VIDEOTAPED DEPOSITION OF LORENZO J. FERTITTA

Las Vegas, Nevada

March 23, 2017

9:09 a.m.

REPORTED BY:
CYNTHIA K. DuRIVAGE, CSR #451
JOB NO. 49608

LORENZO J. FERTITTA - CONFIDENTIAL

<p style="text-align: right;">174</p> <p>1 predates the implementation of the uniform policy. 2 So say from 2009 to the beginning of 2015. 3 Do you understand that? 4 A. Sure. 5 Q. So during that period, say 2009 to 2015, 6 fighters who were under contract with Zuffa to fight 7 in the UFC, they had the ability to earn money, 8 correct? 9 A. Yes. 10 Q. Okay. And how -- what ways -- in what ways 11 could those athletes generate revenue or earn 12 revenue? 13 A. Well, primarily through fight purses,</p>	<p style="text-align: right;">176</p> <p>[REDACTED]</p>
<p style="text-align: right;">175</p> <p>[REDACTED]</p>	<p style="text-align: right;">177</p> <p>[REDACTED]</p> <p>11 only bonuses that would be paid, but it was clearly 12 communicated to the fighters that that was one you 13 had. 14 Q. You referred to those earlier as -- you 15 referred earlier to a bonus structure. 16 Was that set out somewhere, those, what 17 we'll call discretionary bonuses? Were they set out 18 in some document or other memo kind of memorializing 19 what the structure was? 20 A. No. 21 Q. So how were they determined? 22 A. I'm sorry, I want to make sure. 23 So I referred to the 50,000 fight of the 24 night -- 25 Q. Right.</p>

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<p>182</p> <p>[REDACTED]</p>	<p>184</p> <p>[REDACTED]</p> <p>14 he used in making these allegations that it was</p> <p>15 harmful to the UFC and to Zuffa.</p> <p>16 Now, I think we probably made it pretty</p> <p>17 clear when we did a press conference in either the</p> <p>18 following day or days, whenever it was shortly</p> <p>19 thereafter, that we did not make it a practice of</p> <p>20 disclosing confidential information, fighter</p> <p>21 compensation, fighter contracts.</p> <p>[REDACTED]</p>
<p>183</p> <p>[REDACTED]</p>	<p>185</p> <p>[REDACTED]</p> <p>12 in part, Mr. Couture provided an income number from</p> <p>13 Zuffa that was not consistent with the actual income</p> <p>14 number, that justified, from your perspective,</p> <p>15 Zuffa's disclosing Mr. Couture's actual income</p> <p>16 number, correct?</p> <p>17 A. No. Because Randy violated the</p> <p>18 confidentiality clause of the contract, then we felt</p> <p>19 it was appropriate that we needed to clear our name;</p> <p>20 therefore, we actually laid out the exact checks and</p> <p>21 wires that went out to Randy Couture.</p> <p>22 Q. And was Mr. Couture receiving pay-per-view</p> <p>23 bonuses? Was that part of the compensation?</p> <p>24 A. At some time during Randy's career, I</p> <p>25 believe, yes, he had to have received a back-end on</p>

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<p>214</p> <p>[REDACTED]</p>	<p>216</p> <p>[REDACTED]</p>
<p>215</p> <p>[REDACTED]</p>	<p>217</p> <p>[REDACTED]</p> <p>20 A. I believe that there was, yes.</p> <p>21 Q. Okay. And do you know what that amount</p> <p>22 was?</p> <p>23 A. I don't recall the amount, no.</p> <p>24 Q. Was it in some order of tens of millions of</p> <p>25 dollars?</p>

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<p>218</p> <p>1 A. I believe it would have been, yes.</p> <p>2 Q. Were you also receiving a salary for other</p> <p>3 income aside from the distributions that we've</p> <p>4 identified during the course of your tenure at Zuffa?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. That was in addition to the</p> <p>7 distributions?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And did Mr. Frank Fertitta earn --</p> <p>10 was he paid some form of compensation by Zuffa other</p> <p>11 than the distributions that we've identified today?</p> <p>12 A. Yes.</p> <p>13 Q. And how was Mr. Frank Fertitta compensated</p> <p>14 by Zuffa?</p> <p>15 A. I believe he was on salary.</p> <p>16 Q. Okay. And what, if anything, did he do for</p> <p>17 his salary?</p> <p>18 A. You know, Frank -- Frank obviously was a</p> <p>19 partner with me. We're partners in everything we do.</p> <p>20 He was involved in very, very high-level</p> <p>21 decisions. Was not involved in the day-to-day</p> <p>22 business. More of a board of directors type role.</p> <p>23 Q. Did he have any role in determining</p> <p>24 discretionary bonuses?</p> <p>25 A. No.</p>	<p>220</p> <p>[REDACTED]</p>
<p>219</p> <p>1 Q. Did he have any kind of role in the</p> <p>2 direction of the business?</p> <p>3 A. General strategic direction. I would</p> <p>4 consult with him, yes.</p> <p>5 Q. And he was a member of the board, I think</p> <p>6 you testified this morning?</p> <p>7 A. I believe he was, yes.</p> <p>8 Q. And the company held regular board</p> <p>9 meetings?</p> <p>10 A. No.</p> <p>11 Q. Did it prepare board packages?</p> <p>12 A. We started to prepare board packages once</p> <p>13 Flash Entertainment bought 10 percent, I think.</p> <p>14 You know, when we started Zuffa, LLC, it</p> <p>15 was very much a startup kind of entrepreneurial type</p> <p>16 setting. And once we were able to bring in what we</p> <p>17 did bring in, an investor of the stature of Flash</p> <p>18 Entertainment, we started to formalize the process</p> <p>19 much more significantly than we had in the past.</p> <p>20 Q. Getting back to fighter pay, I think you've</p> <p>21 indicated or you've said in the past that Zuffa pays,</p> <p>22 at least as of 2015, was paying more than anybody</p> <p>23 else in the space.</p> <p>24 Does that sound right to you?</p> <p>25 A. Yes.</p>	<p>221</p> <p>[REDACTED]</p>

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<p>222</p> <p>[REDACTED]</p>	<p>224</p> <p>[REDACTED]</p>
<p>223</p> <p>[REDACTED]</p>	<p>225</p> <p>[REDACTED]</p> <p>13 Are you saying that the percentage of</p> <p>14 revenue paid to athletes in Major League Soccer is a</p> <p>15 reliable comparator to the percentage of revenue paid</p> <p>16 to athletes in the UFC?</p> <p>17 A. Yes. I think it is a reasonable</p> <p>18 comparison.</p> <p>19 One of the things -- actually, I looked at</p> <p>20 two things to make that determination.</p> <p>21 Q. Okay.</p> <p>22 A. One was the history of that organization,</p> <p>23 how long have they been around, how long have they</p> <p>24 had to build their business, cultivate their fan</p> <p>25 base, build relationships with networks, media</p>

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